

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS**

**In re: Subpoena Upon Kyra Hudson,  
Brandon Brezina, and Russell Werme, Jr. in  
action:**

**YETI Coolers, LLC,**

**Plaintiff,**

**v.**

**RTIC Coolers, LLC,**

**John Jacobsen, and**

**James Jacobsen,**

**Defendants.**

**Case No. 1:15-cv-597-RP pending in the  
United States District Court for the Western  
District of Texas**

**Misc. Case No. \_\_\_\_\_**

**DECLARATION OF VICTORIA R. M. WEBB IN SUPPORT OF  
MOTION TO TRANSFER OR QUASH NON-PARTY SUBPOENAS**

I, Victoria R. M. Webb, declare as follows:

1. I am an attorney with the law firm of Banner & Witcoff, Ltd., counsel for Plaintiff YETI Coolers, LLC in case no. 1:15-cv-597-RP pending in the United States District Court for the Western District of Texas (“Western District Litigation”) and for movants Ms. Kyra Hudson, Mr. Brandon Brezina, and Mr. Russell Werme, Jr.

2. I submit this Declaration to authenticate and to provide to the Court certain documents cited to and referenced in the accompanying Motion to Transfer or Quash Non-Party Subpoenas.

3. Attached as Exhibit 1 is a true and correct copy of YETI's Second Amended Complaint (ECF No. 64) in the Western District Litigation, without accompanying exhibits to the complaint.

4. Attached as Exhibit 2 is a true and correct copy of a November 10, 2016 Order (ECF No. 145) in the Western District Litigation.

5. Attached as Exhibit 3 is a true and correct copy of a Subpoena to Testify at a Deposition in a Civil Action directed to Brandon Brezinia that was signed and dated on November 21, 2016 by Ms. Sara Fish, Esq. on behalf of Defendants in the Western District Litigation.

6. Attached as Exhibit 4 is a true and correct copy of a Subpoena to Testify at a Deposition in a Civil Action directed to Kyra Hudson that was signed and dated on November 21, 2016 by Ms. Sara Fish, Esq. on behalf of Defendants in the Western District Litigation.

7. Attached as Exhibit 5 is a true and correct copy of a Subpoena to Testify at a Deposition in a Civil Action directed to Russel A. Werme, Jr. that was signed and dated on November 21, 2016 by Ms. Sara Fish, Esq. on behalf of Defendants in the Western District Litigation.

8. Attached as Exhibit 6 is a true and correct copy of a Subpoena to Testify at a Deposition in a Civil Action directed to David Bullock that was signed and dated on November 22, 2016 by Ms. Bailey Harris, Esq. on behalf of Defendants in the Western District Litigation.

9. Attached as Exhibit 7 is a true and correct copy of a Subpoena to Testify at a Deposition in a Civil Action directed to John Herndon that was signed and dated on November 21, 2016 by Ms. Sara Fish, Esq. on behalf of Defendants in the Western District Litigation.

10. Attached as Exhibit 8 is a true and correct copy of a Subpoena to Testify at a Deposition in a Civil Action directed to Richard (Rick) Wittenbraker that was signed and dated on November 22, 2016 by Ms. Bailey Harris, Esq. on behalf of Defendants in the Western District Litigation.

11. Attached as Exhibit 9 is a true and correct copy of a Subpoena to Testify at a Deposition in a Civil Action directed to Scott Wood that was signed and dated on November 21, 2016 by Ms. Sara Fish, Esq. on behalf of Defendants in the Western District Litigation.

12. Attached as Exhibit 10 is a true and correct copy of a Subpoena to Produce Documents, Information, or Objects or to Permit Inspection of Premises in a Civil Action directed to Starcom Mediavest Group, Inc. that was signed and dated on November 17, 2016 by Ms. Bailey Harris, Esq. on behalf of Defendants in the Western District Litigation.

13. Attached as Exhibit 11 is a true and correct copy of a Subpoena to Testify at a Deposition in a Civil Action directed to Starcom Mediavest Group, Inc. that was signed and dated on November 17, 2016 by Ms. Bailey Harris, Esq. on behalf of Defendants in the Western District Litigation.

14. Attached as Exhibit 12 is a true and correct copy of the Opposed Joint Motion to Quash Non-Party Subpoenas filed in the Western District Litigation today as ECF No. 163.

15. Attached as Exhibit 13 is a true and correct copy of records from the United States Patent and Trademark Office relating to YETI's application serial No. 86/322070, including a Response to Office Action filed July 13, 2016, produced by YETI with production number YETI\_RTIC0453183 in the Western District Litigation.

16. Attached as Exhibit 14 is a true and correct copy of an August 4, 2016 Letter of Protest submitted in the United States Patent and Trademark Office pertaining to YETI's

application serial No. 86/322,070 (without exhibits), produced by YETI with production number YETI\_RTIC0478928 in the Western District Litigation.

17. Attached as Exhibit 15 is a true and correct copy of an August 23, 2016 record from the United States Patent and Trademark Office relating to YETI's application serial No. 86/322,070, including an August 3, 2016 Notice of Publication, produced by YETI with production number YETI\_RTIC0478923 in the Western District Litigation.

18. Attached as Exhibit 16 is a true and correct copy of an August 25, 2016 Notice of Opposition filed by RTIC Coolers, LLC to YETI's application serial No. 86/322,070, produced by YETI with production number YETI\_RTIC0478929 in the Western District Litigation.

19. Attached as Exhibit 17 is a true and correct copy of a September 13, 2016 Text Order regarding scheduling in the Western District Litigation.

20. Attached as Exhibit 18 is a true and correct copy of Defendants' Emergency Motion to Compel Designation of a Rule 30(b)(6) Witness and to Modify the Scheduling Order filed in the Western District Litigation as ECF No. 128.

21. Attached as Exhibit 19 is a true and correct copy of YETI's Opposition to Defendants' Emergency Motion to Compel Designation of a Rule 30(b)(6) Witness and to Modify the Scheduling Order filed in the Western District Litigation as ECF No. 130.

22. Attached as Exhibit 20 is a true and correct copy of a Joint Motion for Order Resolving RTIC's Recent Motion to Compel (Docket No. 128) filed in the Western District Litigation as ECF No. 141.

23. Attached as Exhibit 21 is a true and correct copy of a November 22 – 23, 2016 email chain between counsel for Defendants in the Western District Litigation and counsel for Plaintiffs in the Western District Litigation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 5, 2016

/s/ Victoria R. M. Webb  
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